

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF LABOR AND INDUSTRY

Commissioner, Department of Labor
and Industry v. PCi Roads, L.L.C.

**PREHEARING ORDER
AND ORDER FOR HEARING**

Pursuant to a Notice and Order for Hearing and Prehearing Conference, on May 5, 2010, a prehearing telephone conference was held at 1:30 p.m. among the parties and the Administrative Law Judge. Julie A. Leppink, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, MN 55101-2127, appeared on behalf of the Commissioner of the Department of Labor and Industry. Gregory M. Bistram, Esq., Briggs and Morgan, 80 South 8th Street, Suite 2200, Minneapolis, MN 55402-2157, appeared on behalf of PCi Roads, L.L.C.

Based upon discussions with and agreement of the parties during the prehearing conference, **IT IS HEREBY ORDERED** as follows:

1. By June 4, 2010, the parties shall file and serve: the identity of persons expected to be called as expert witnesses; a statement describing the subject matter of expected expert testimony; the substance of the facts and opinions to which the expert is expected to testify; a summary of the grounds for each opinion; any report prepared by the expert for this matter; and a curriculum vitae for the expert.
2. All discovery, including responses or objections to timely requests, shall be completed by July 30, 2010.
3. All non-dispositive motions shall be served and filed by July 30, 2010.
4. Official notice of judicially cognizable facts and other agency facts under Minn. Stat. § 14.60, subd. 4, shall be made by July 30, 2010.
5. Counsel shall notify the Administrative Law Judge by September 9, 2010, whether they will require the services of a court reporter at the hearing. Otherwise, the hearing will be digitally recorded.
6. Parties shall simultaneously exchange and file proposed exhibit and witness lists by August 27, 2010. The witness lists shall include a brief summary of the expected testimony of each witness.

7. Dispositive and pre-hearing motions shall be served and filed by August 27, 2010.

8. Replies to dispositive and pre-hearing motions shall be served and filed by September 3, 2010.

9. Oral argument on dispositive and pre-hearing motions, if any, shall be held at 9:30 a.m. on September 8, 2010, at the Office of Administrative Hearings.

10. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits.

11. The parties shall appear at the hearing with at least three copies of each exhibit they plan to offer into evidence. Exhibits shall be pre-marked using Arabic numbers without designation of the party offering the exhibit. The Department's exhibits shall begin with the number one. The parties shall agree, prior to the hearing, the consecutive numbers of the exhibits of the Respondents.

12. The contested case hearing shall be held on September 28 and 29, 2010, commencing at 9:30 a.m., at the Office of Administrative Hearings, 600 North Robert Street, St. Paul Minnesota, Minnesota.

Dated: May 7, 2010

s/M. Kevin Snell

M. Kevin Snell
Administrative Law Judge
(651) 747-0374